

A YEAR OF LABOR ABUSE: A VISUAL REPORT OF RIGHTS VIOLATIONS FACED BY HOUSTON WORKERS



**FE Y JUSTICIA
WORKER CENTER**

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Lastly, the collaborators in writing this report were Marianela Acuña Arreaza, Kendra Baldazo Tudon, and Dr. Melissa I. M. Torres. Chris Wager Saldívar and Silvia Chicas collaborated adding stories, and Erin Nelsen Parekh was our editor and communications advisor.

FE Y JUSTICIA WORKER CENTER

Faith and Justice Worker Center (FJWC) exists because we believe everyone should have a safe and healthy workplace, and we believe in working-class people's collective power to create social change.

FJWC has been the premier workers' rights community organization in Houston for twelve years. We are dedicated to creating positive change with and for low-wage workers by leading research, providing services, building peer support networks, and mobilizing campaigns.

Our model is one of empowerment that ensures a sustainable and growing impact. All our efforts, whether to educate the public, to provide case resolution services, or to lead advocacy campaigns, are driven by members: low-wage workers who become leaders in realizing the mission and exercising governance of the FJWC.

INTRODUCTION

The average American spends most of their waking hours at work,¹ and our jobs impact every aspect of our lives. First, work exposes us to physical conditions, which can lead us to contract illnesses or risk injuries. Second, our work arrangements affect our physical and mental health: the flexibility and predictability of our schedule, our commute, and the balance between effort and reward at work, as well as our purpose in life, our social status, and the social support that often comes from work. Lastly, since, for most people, employment is the primary source of income, work gives us the means to access vital resources such as a safe home, a good school zone for our kids, time off, health insurance — or not.

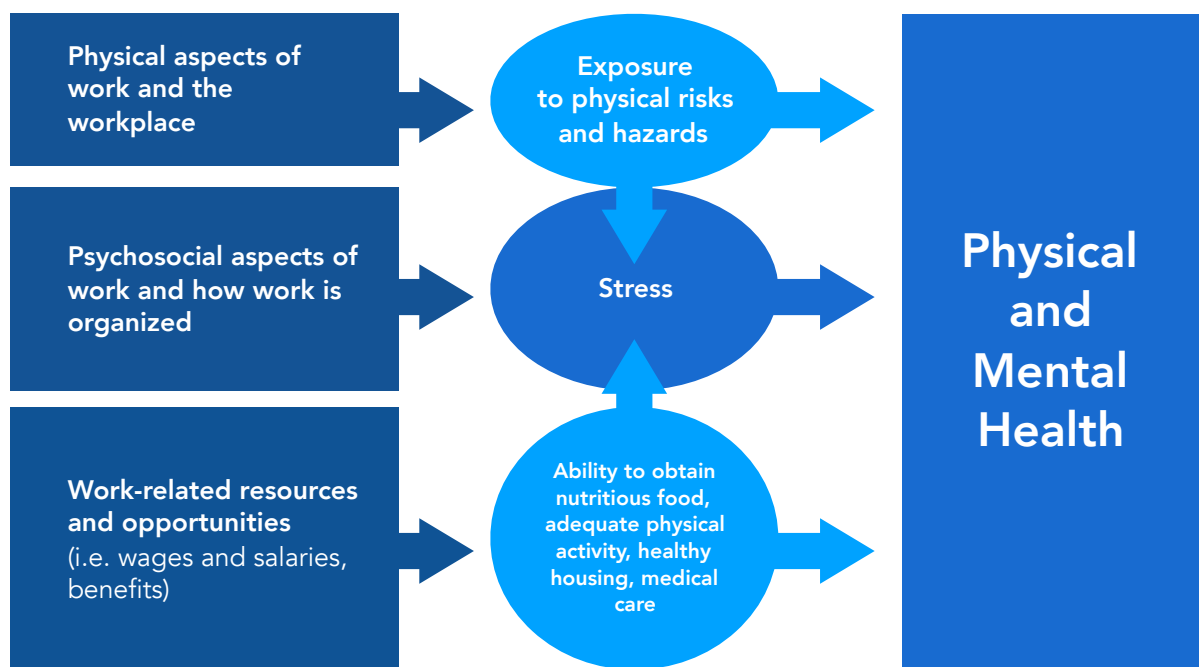


FIGURE 1. HOW WORK SHAPES HEALTH FOR WORKERS AND THEIR FAMILIES.²

Although work stressors impact most of us, low-wage workers have it worse. Workers in low-paying industries face dangerous working conditions more often and their stress levels measure higher than their counterparts in higher-paying jobs. Workers in low-paying jobs are also more likely to say they go to work when sick.³

Low-paying industries include construction, domestic work, restaurants, manufacturing, retail, and many others. These industries make life possible in our city. However, the workers themselves are often deeply and negatively impacted by their work.

About a 20 percent of Houston are low-income earners.⁴ That is about 2.2 million low-wage workers, a very diverse crowd with an overrepresentation of people of color and women.

Since February 2018, Faith and Justice Worker Center has systematically documented labor abuse complaints received through calls to our center, messages to our website or social media accounts, and email. These are some of the key findings as reported by Houston workers:

- From February 2018 to March 2019, we received 975 contacts from the public. Out of those, 623 workers called with workplace abuse claims.
- Many calls had more than one type of labor violation: 542 claims related to non payment of wages, 92 included an occupational hazard or an injury, 64 calls included discrimination, 49 included some non-discriminatory violence or abuse, and 10 claims were labor trafficking cases.
- Workers called from more 137 zip codes across the Greater Houston Area.
- Most workers with claims are from low-paying industries and occupations, but the range of industries was massive: construction, domestic work, restaurant, janitorial and maintenance, transportation, manufacturing, day labor, retail, landscaping, mechanic shop, dry cleaning, hospitality, car wash, clerical, warming, warehouse, among others.

As we hear and document labor claims from all industries across the greater Houston area, we have realized an exploitation spectrum of workplaces that are more or less fraudulent, coercive, and forceful in their practices. Some of the complaints describe labor practices that are legal, but unjust, and sometimes violent; some are violations of labor law that often go unpunished; and some are modern-day slavery or labor trafficking.



This report has five short visual chapters. Four chapters are dedicated to the complaints most frequently reported, and the last chapter speaks to the most exploitative end of this spectrum of exploitation.

OUR PURPOSE

The purpose of this report is to:

- Show every Houstonian what we see every day - the prevalence and depth of labor abuses in our city - through numbers and stories.
 - For those who have suffered at work, we want to validate their experience, and ask them to join our movement. Fair work is possible when we are organized in our workplace and in our community!
 - For funders, elected officials, journalists, academics and the general public, we want to call you to action: advocate for and invest in workers' rights. We cannot solve poverty, homelessness, public health issues, lacking civic engagement, civil rights, immigration reform and labor trafficking without workers' rights.

OUR METHODOLOGY

This report documents the daily interaction the Faith and Justice Worker Center has with Houston's most vulnerable workers and reflects our many efforts to reach out to laborers to educate and empower them with advocacy and knowledge of their workers' rights.

With the influx of calls due to the labor response in the months after Hurricane Harvey, along with the change in political climate, we saw the need to better document the increasing rates we saw of a variety of issues.

We developed a custom database for workplace issues, and then built a script to categorize and tally all calls, emails, social media messages, and website messages we received from February 2018 until the present. This report includes data from February 2018 to March 2019. Therefore:

- These findings reflect the situation of the city of Houston's most vulnerable workers during a unique and critical time.

- These aggregated data demonstrate the critical need for organizations to reach out and include vulnerable laborers and marginalized workforces.
- These numbers reflect workers who had heard about our organization, experienced labor abuse, and decided to contact us. Without FJWC's direct outreach, these incidents might have gone unreported, as many calls come from what would be otherwise considered hidden populations.
- The documented information is self-reported. Although we developed scripts to probe and make sure we have the most accurate information, each individual caller is the source of the information and decided what they shared.

Though our data is in line with other sources which validate or complement our aggregate report, some of which we cite, this should not be considered a study. However, for the safety and confidentiality of our clients, identifiers have been removed from all data and each contact has been assigned a pseudonym.

PART I: WAGE THEFT

Wage theft occurs when employers cheat workers out of the wages that are legally owed or promised. Employers use different strategies to avoid paying workers, including not paying the agreed-upon amount, paying less than the minimum wage, failing to pay earned overtime, making illegal deductions, misclassifying employees as contractors and others.

DIRECTLY TO OUR LINES

- Workers in the Houston Metro Area reported \$1,360,082 in unpaid wages from February 2018 to March 2019. Eighty-seven percent of all claims had component of non-payment of wages.
- Overall reported stolen wages were more than \$104,000 per month, and the average estimated claim amount is \$3,317.
 - For workers earning a minimum wage, \$3,317 represents 457 hours of stolen work, the equivalent of 11 weeks without pay, or 21% of their annual income.
- Most workers impacted are employed in low-paying industries, but even skilled and certified labor fields have produced claims (see graph below).
- Though our clients have won 100% of pro-se cases receiving our support through the Texas Workforce Commission and Justice of the Peace Courts, the actual wage recovery rate is 0.

WORKERS' CASES

First Criminal Case through DA's Office

Raúl, a painter, was owed \$3,000 for a job in a Southside Place home. After the homeowner refused to pay, Raúl and FJWC took efforts to recover his wages to the district attorney, who prosecuted the first criminal case of theft of services in Harris County.

72-Hour Weeks, \$4.13 an Hour

After receiving just \$600 total for 145 hours worked over two weeks in a Gulfton taco truck, Leti fought her employer in a Justice of the Peace court. She won a judgment for \$1500, including 65 hours of overtime pay.

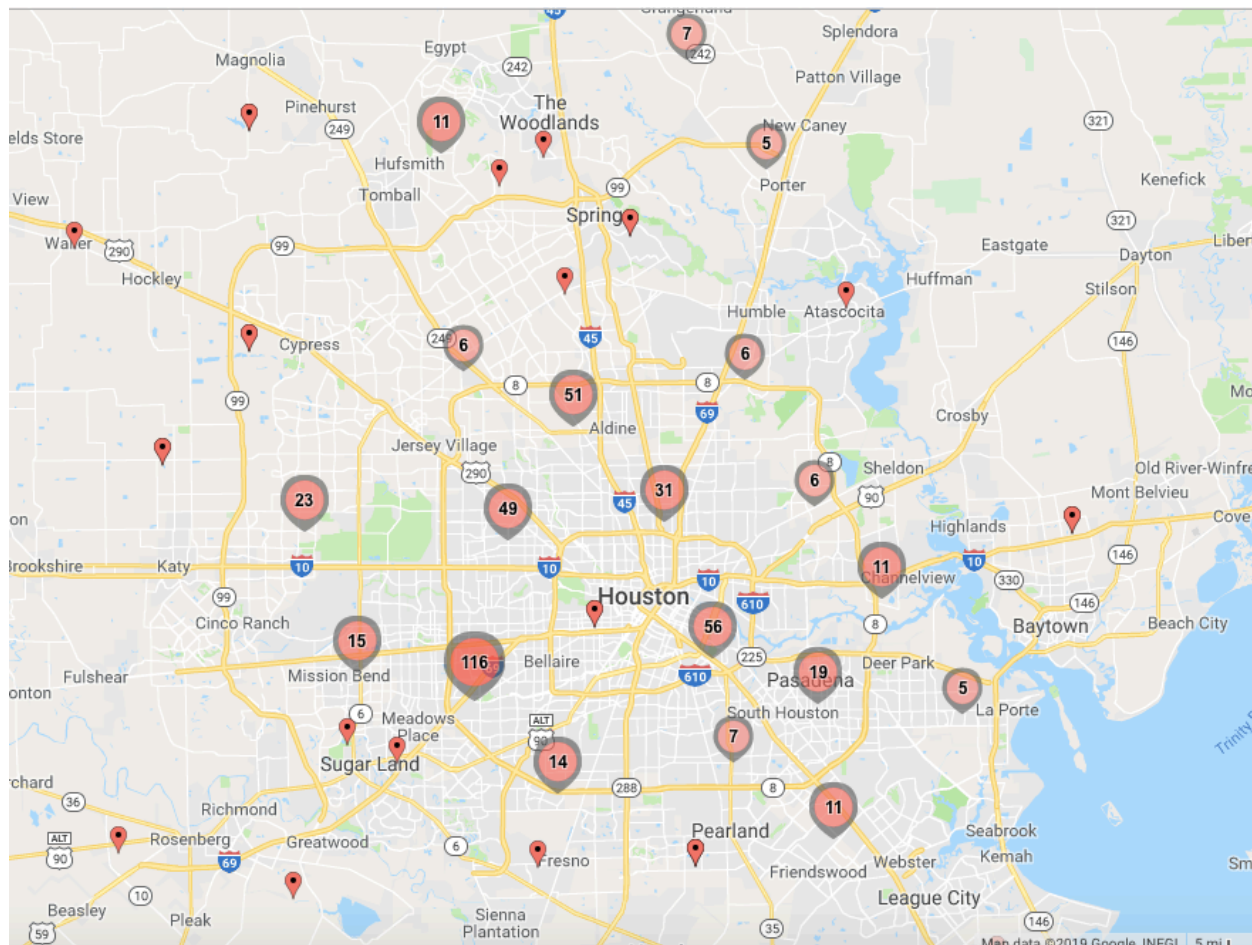
A “Winning” Case at TWC

Reyna filed a wage claim with the Texas Workforce Commission against her former employer, a restaurant owner. After months of calls with the TWC, she won a judgment of \$3,305. However, when her employer declared bankruptcy, TWC closed the case without recovering the wages.

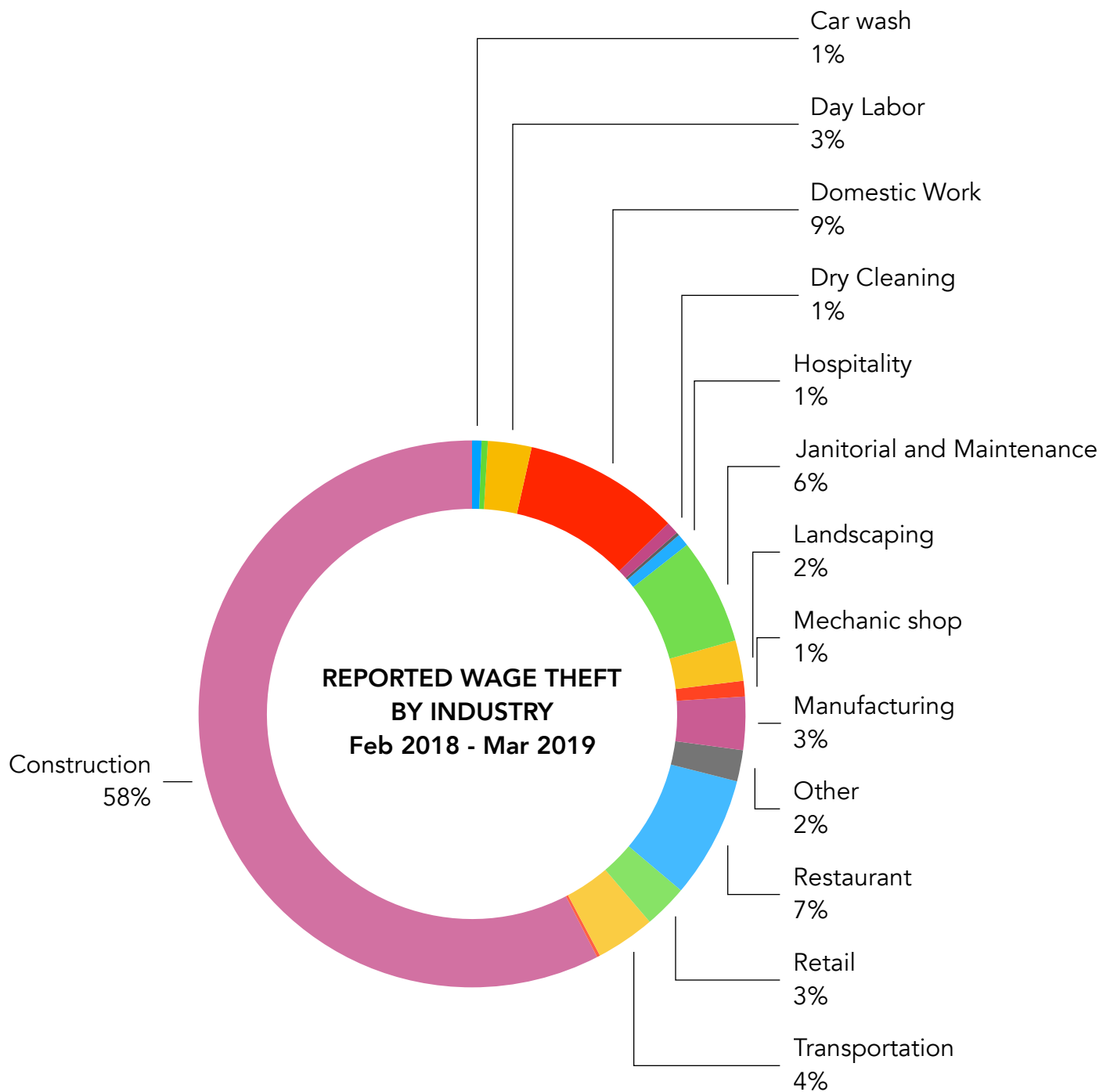
COMPARABLE FINDINGS

- In 2017 the Economic Policy Institute⁵ concluded that:
 - A victim of wage theft in the U.S. who works year-round is losing an average of \$3,300 per year.
 - In Texas, about 11% of low-income workers experience wage theft, and the average victim of a minimum wage violation is cheated out of over 30 percent of earned pay.
- *The Dallas News* reported that the Texas Workforce Commission only collects 53 percent of the stolen wages it orders to be paid.⁶
- A 2016 pilot study on labor exploitation in Houston showed that laborers in low-paying industries industries spent 11% of their time in a state of exploitation. during their working hours.⁷

MAP 1. REPORTED WAGE THEFT BY ZIP CODE, FJWC, FEB. 2018-MARCH 2019.



Interactive map version available at: <https://batchgeo.com/map/HoustonWageTheft2018-19>



PART II: SAFETY AND HEALTH ISSUES

All workers have the right to a safe workplace. However, safety and health issues in Houston workplaces are the second most common type of complaint Faith and Justice Worker Center receives. Safety and health issues refer to hazards that lead workers to contract diseases and experience chronic or fatal injuries at the workplace.

DIRECTLY TO OUR LINES

- From February 2018 to March 2019, Faith and Justice Worker Center received 100 complaints related to safety and health in Houston workplaces. That means, about fourteen percent of all claims had an occupational safety and health component.
- These claims included everything from repeatedly being denied bathroom breaks (leading to unhygienic situations, workers losing control of their bladders, and recurring UTIs) to amputations due to defective equipment and amputations caused by flesh-eating bacteria contracted after working in Hurricane Harvey waters.

WORKERS' CASES

Twelve Hour Shifts, No Bathroom Breaks

Ida supervised youth in a private child detention center, working 12-hour shifts with a no-bathroom-break policy. Due to short staffing, Ida had to wait four or more hours to use the restroom, and as a result, suffered from urinary tract infections repeatedly in the summer of 2018.

Recovery for Buildings, Sickness for Workers

Mayra worked in a Hurricane Harvey recovery project: taking down drywall, working demolition and removing mold. Two weeks later, she started getting sick, feeling head and sinus pressure. Her illness developed into headaches three or four times per week, brain fog, and then inflammation, tingling, and numbness in joints.

Unprotected from Injury, Unprotected from Job Loss

Endrina dislocated her leg while working for a landscaping company. Her employer fired her and took away workers' compensation help.

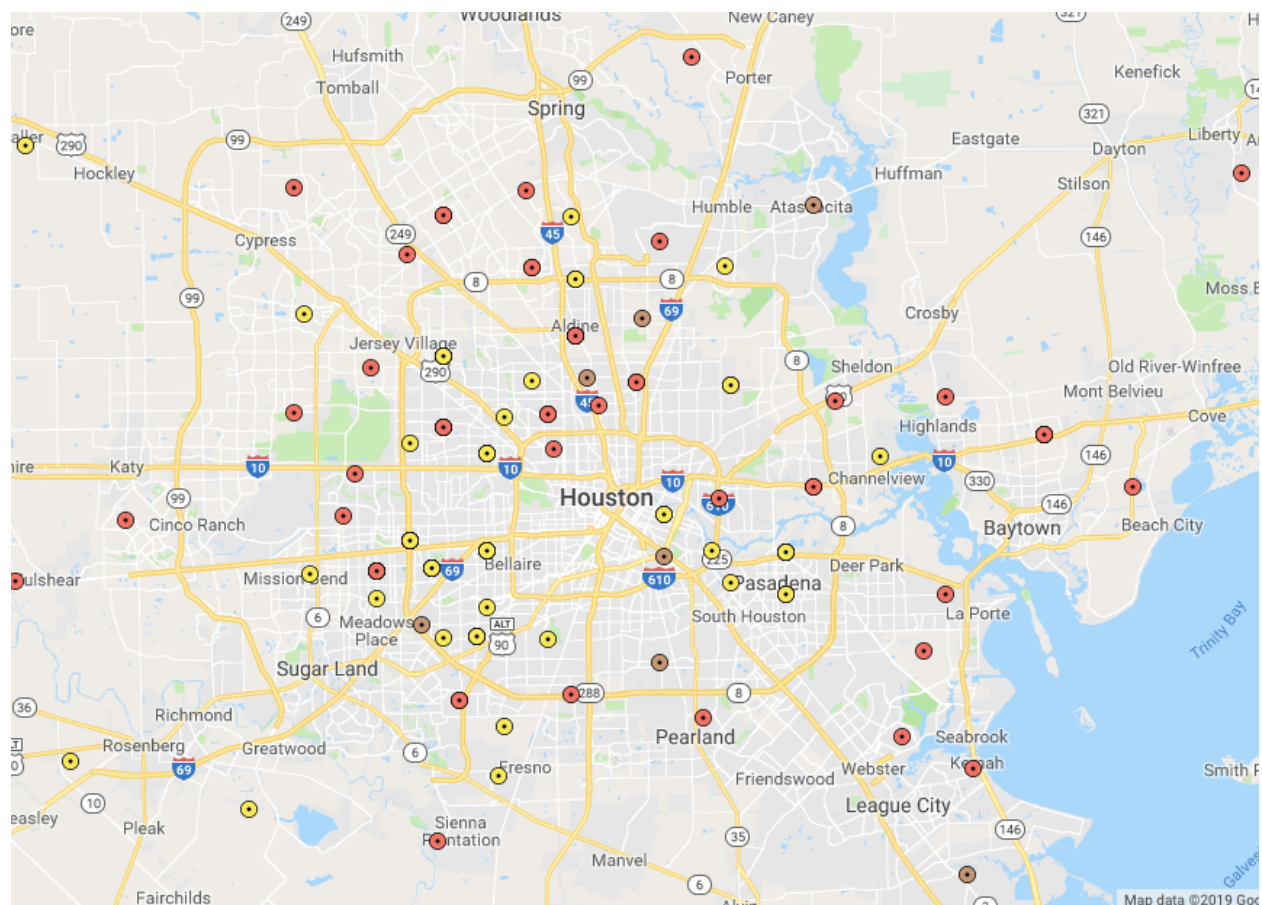
Inspections and Enforcement When It's Too Late

On his fourth day on the job at a tire recycling plant in Northeast Harris County, Byron, a young father, was caught and killed in a tire shredder while clearing a jam.⁸ An OSHA inspection revealed a total of 18 serious violations at the plant where Byron worked.⁹

OTHER SOURCES

- In 2017, the latest year for which all data is available, 101 people in the Houston area died because of a job-related injury. Numbers for 2018 are also expected to exceed 100 fatalities.¹⁰
- Texas leads the United States in workplace fatalities, and around 20% of Texas deaths occur in Houston. This trend has held true for the last decade.¹¹
- In fiscal 2018 there were about 512 Serious Incident Reports (SIRs) reported to the Houston OSHA office. That is, 512 hospitalizations, amputations, or losses of an eye experienced by Houston workers.¹²
 - Of the 512 reports, 411 were in general industry and 101 were in construction.

**MAP 3. HAZARDS AND INJURIES REPORTED TO FJWC, FEB. 2018-MARCH 2019
OVERLAPPING MAP WITH 2018 FATAL INJURIES BY ZIP CODES.**

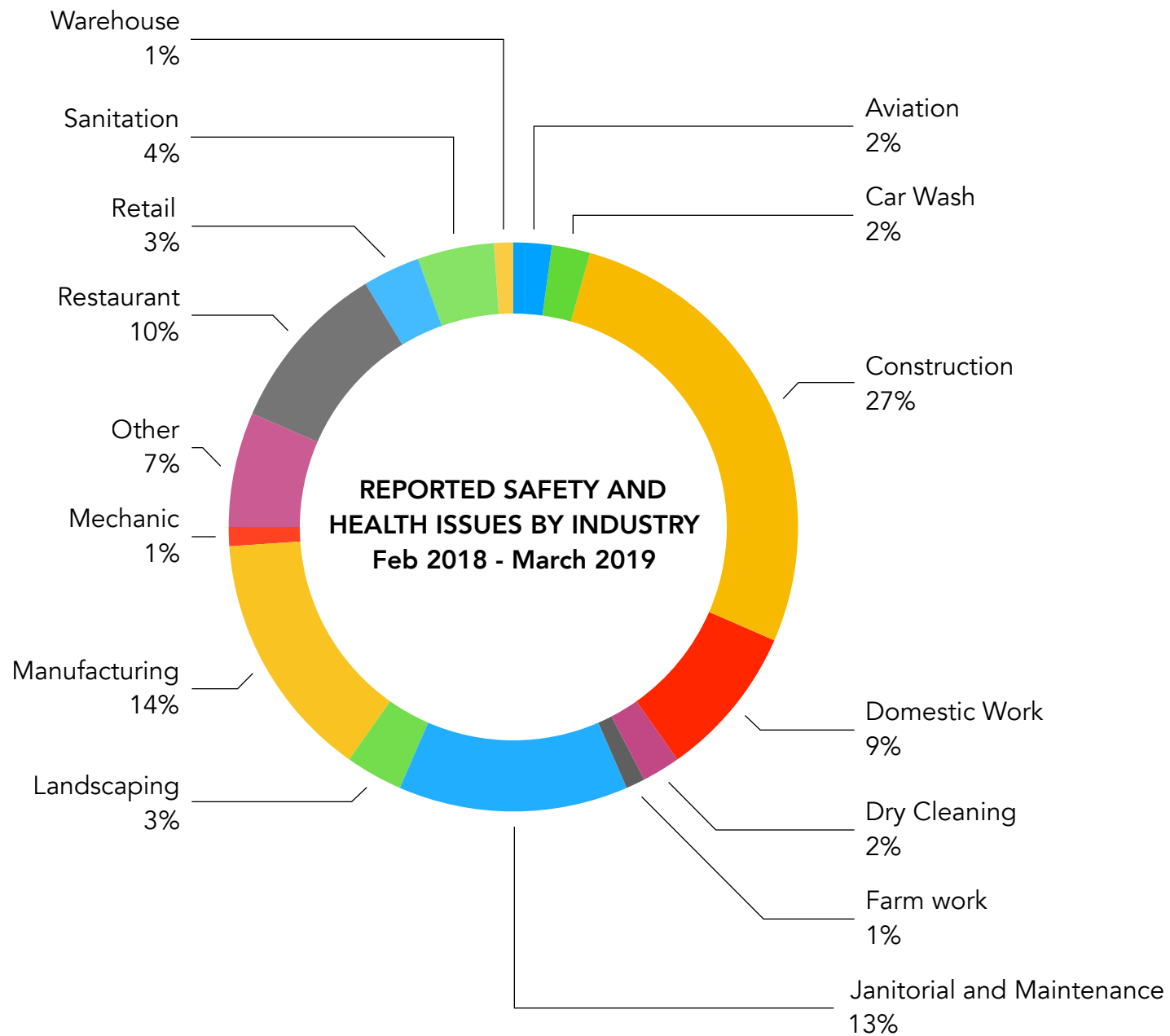


LEGEND:
 Hazards reported to FJWC
 Injuries reported to FJWC
 Fatal injuries researched by FJWC volunteers

Interactive map version available at: <https://batchgeo.com/map/HoustonSH2018-19>

The map displays the Houston metropolitan area and surrounding regions, including Spring, Jersey Village, Houston, Pasadena, Sugar Land, Pearland, League City, and Baytown. Major highways such as I-10, I-45, I-69, and I-25 are shown. The distribution of the top 100 companies is visualized using pie charts of different sizes, where the size corresponds to the company's rank (1st to 100th largest) and the colors represent the primary industry. The largest pie chart, representing the 1st largest company, is located in Jersey Village and is predominantly green, indicating a focus on the Technology industry. Other significant pie charts are found in Houston and Pasadena, showing a mix of industries including Technology, Manufacturing, and Services. The map also includes labels for various cities, towns, and geographical features like the Gulf of Mexico and Galveston Bay.

Full legend available on interactive map version at: <https://batchgeo.com/map/HoustonInjuriesSH2018-19>



PART IV: DISCRIMINATION AND SEXUAL HARASSMENT

Discrimination is unjust treatment toward a certain group of people due to prejudice against that group. Discrimination in the workplace happens when a person is treated unfairly, is harassed, is denied a reasonable workplace accommodation, or is retaliated against because of their race, color, religion, sex, national origin, age or disability.

Sexual harassment is any uncomfortable behavior related to someone's sex and does not have to be of sexual nature. It can take the form of unwanted advances, requests for sexual favors, nonverbal conduct, or verbal or written harassment or intimidation.

Cases of discrimination and sexual harassment largely go unreported. Factors contributing to workers' hesitancy or inability to speak up include fear of retaliation, lack of benefits from EEOC case proceedings, misconceptions about the definition of harassment, lack of evidence, immigration status and more.

DIRECTLY TO OUR LINES

- We received 64 complaints of discrimination in Houston workplaces, including 14 cases of sexual harassment. That means over ten percent of all claims included discrimination or sexual harassment.

WORKERS' CASES

No Safety, No Peace, No Consequences

For a year, the sole woman working among kitchen staff at a restaurant has been dealing with inappropriate comments and touching in the workplace. Her male colleagues regularly make sexual comments toward her, and touch her body when they have an opportunity. One of her male colleagues even pushed her and caused her to have a burn injury at the workplace. Despite her efforts to speak to management, no consequences ever came of it.

Hate Speech, Threats, Rage and Thefts

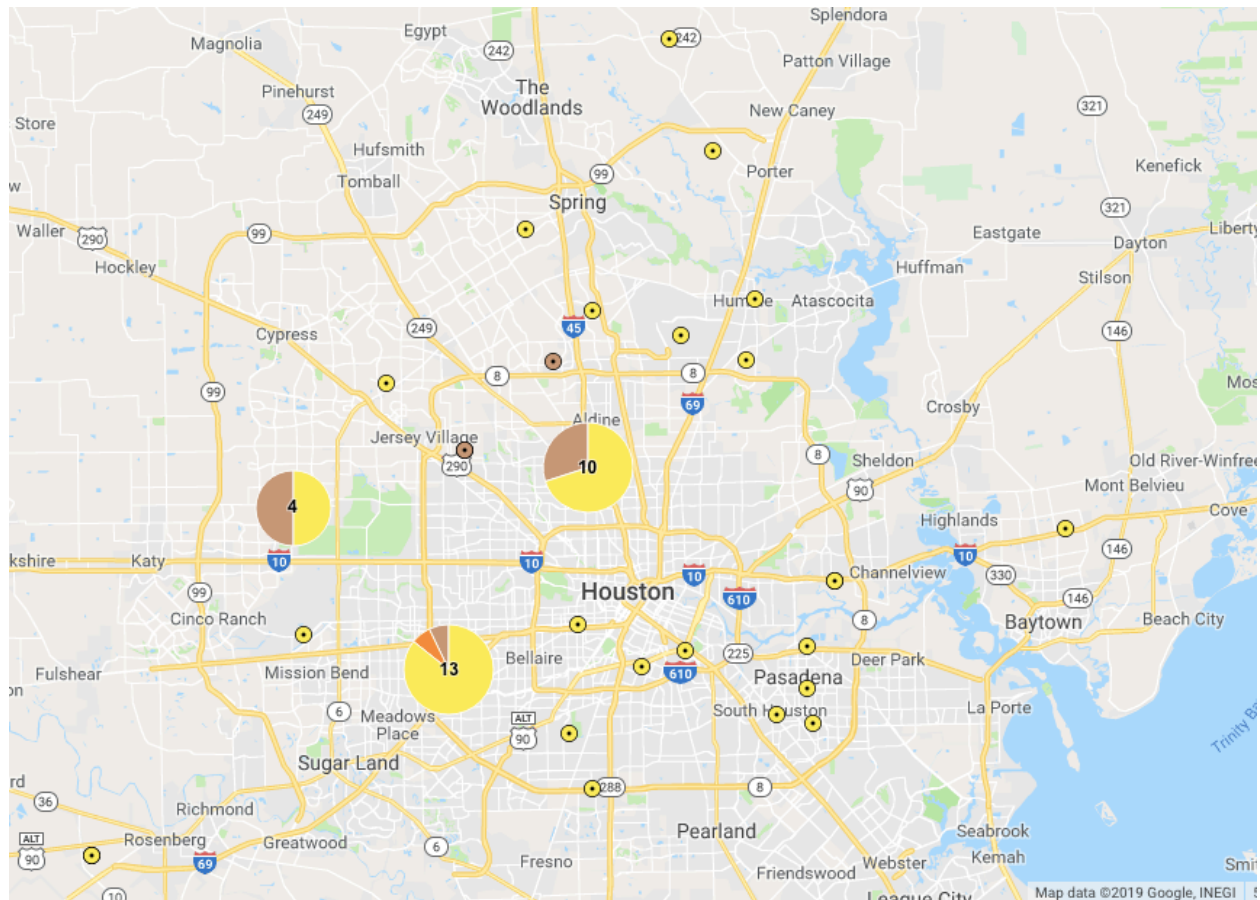
A maintenance worker has been working at a major hotel downtown. Her manager has made several comments about not "letting Black people touch him." He doesn't let Black people address him, or shake his hand. He has stated in the workplace that he only talks to Black people "because he has to." Several coworkers have already left the company due to this ongoing issue. One of the Black workers accidentally touched this supervisor on the shoulder, as a casual gesture, and this supervisor became enraged

and threatened a physical fight. Black co-workers report regularly having their worked hours deleted from their timesheet and are not paid their full owed wages.

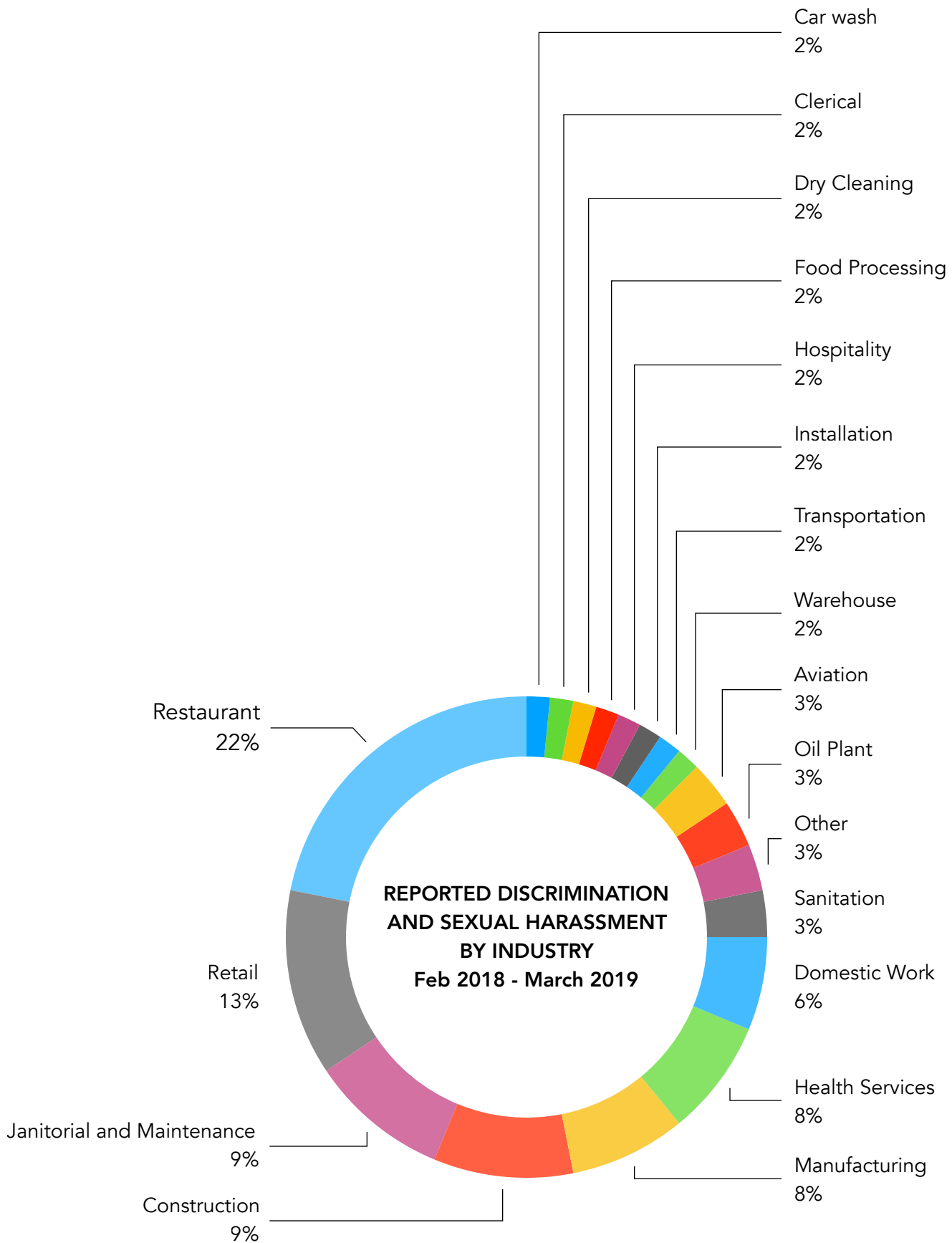
OTHER SOURCES:

- In 2018, the Equal Employment Opportunity Commission (EEOC) recorded 7,482 individual charge filings (often with multiple types of discrimination) in Texas, making up 9.8% of the total charges in the US¹⁷.
 - 2254 charges based on race (9.2% of total US charges)
 - 2347 charges based on sex (9.5% of total US charges)
 - 914 charges based on national origin (12.9% of total US charges)
 - 270 charges based on religion (9.4% of total US charges)
 - 408 charges based on color (12.9% of total US charges)
 - 4228 charges based on retaliation (10.7% of total US charges)
 - 1744 charges based on age (10.3% of total US charges)
 - 2333 charges based on disability (9.5% of total US charges)
 - 95 charges based on the Equal Pay Act (8.9% of total US charges)
 - 18 charges based on the Genetic Information Nondiscrimination Act (GINA) (8.2% of total US charges)
- Workplace studies estimate that “anywhere from almost a quarter to more than eight in ten women experience [sexual harassment] in their lifetimes.”¹⁸
- Employment situations with high rates of harassment include working for tips (food services, housekeeping in hotels), working in an isolated context (domestic work, agriculture), working under temporary visas or with undocumented status, working in a male-dominated industry and workplaces with significant power disparities.¹⁸

**MAP 5. DISCRIMINATION AND SEXUAL HARASSMENT REPORTED TO FJWC,
FEB. 2018-MARCH 2019**



Full legend available on interactive map version at: <https://batchgeo.com/map/HoustonDiscSexHar2018-19>



PART III: VIOLENCE AT THE WORKPLACE

Again, all workers have the right to a safe workplace. However, “non-discriminatory” emotional and physical abuse against workers is not prohibited under any labor law. That is, although criminal law offers some protection for workers who have been assaulted by co-workers or employers, abusive behavior by employers and co-workers, is not illegal under labor law unless its discriminatory intent can be proven. No wonder violence in the workplace is the fourth most frequent complaint we received.

DIRECTLY TO OUR LINES

- We received 49 complaints of non-discriminatory threats and violence in Houston workplaces, which means that almost eight percent of all received claims included non-discriminatory verbal or physical abuse.
- These claims including screaming, insults, threats, manipulation, and even physical aggression, such as throwing things, shoving, and pointing guns.

WORKERS’ CASES

“Earning Too Much,” Except When the Checks Bounce

A domestic worker was hired by a cleaning service company. She worked cleaning several homes a day, working from 7am until 5pm. She was originally paid about \$30 per house, but her manager told her they wanted to start paying everyone per hour instead because they said workers were “earning too much if they were paid by house.” She and her coworkers were paid with checks that bounced. When the worker asked her employers for a valid check, they threatened to call ICE on her if she tried to reach the owner of the company again.

ICE Calls Threatened to Steal from Employees

A restaurant in Boerne, TX closed down, and refused to pay about 15 workers, many of whom had been working there for a long time, at least 3 weeks’ worth of pay. In the weeks leading up to the closing, they were working long hours and went unpaid for overtime. When the owner of this restaurant was asked to pay, he threatened to call ICE on several workers.

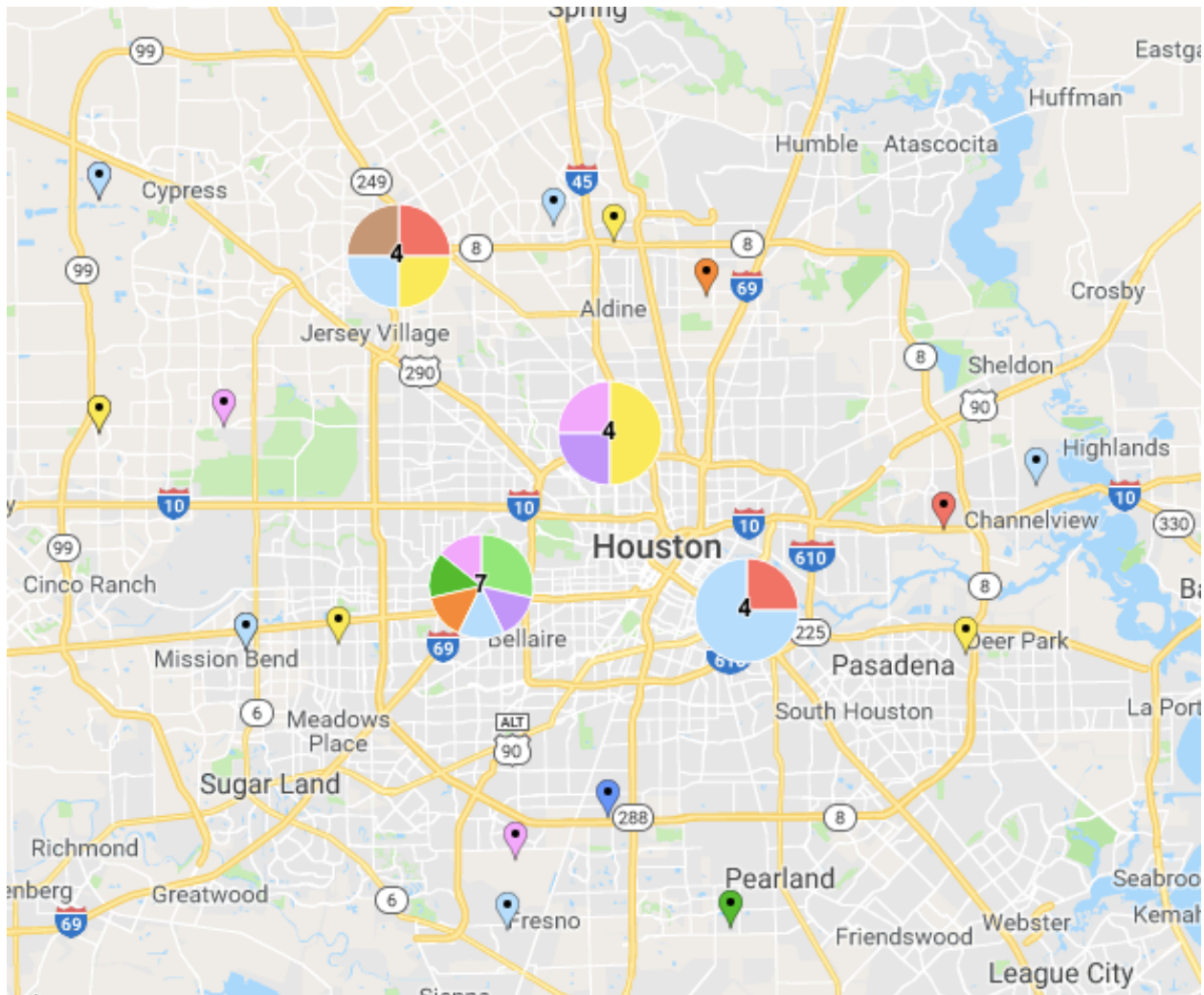
Assaulted by Boss, Then Fired

For a year and a half, a monolingual Spanish speaking worker had been working in housekeeping at a major hotel in Downtown through a temp agency. She dealt with a longtime supervisor at the hotel who had already had issues with other workers for yelling and aggressive behavior. The supervisor got angry and pushed her in the workplace. She reported this issue to HR, but they did not follow up with her over the next few months or make an attempt to secure an interpreter to document the incident. The supervisor's behavior escalated and he grabbed her arm and threw her against a bed aggressively. The worker was left shaken and told a coworker about the assault. She was fired by the temp agency the same day. The next day, when she tried to report the incident to police, she was unsuccessful in pressing charges against her supervisor because the police did not have an interpreter available to hear her case.

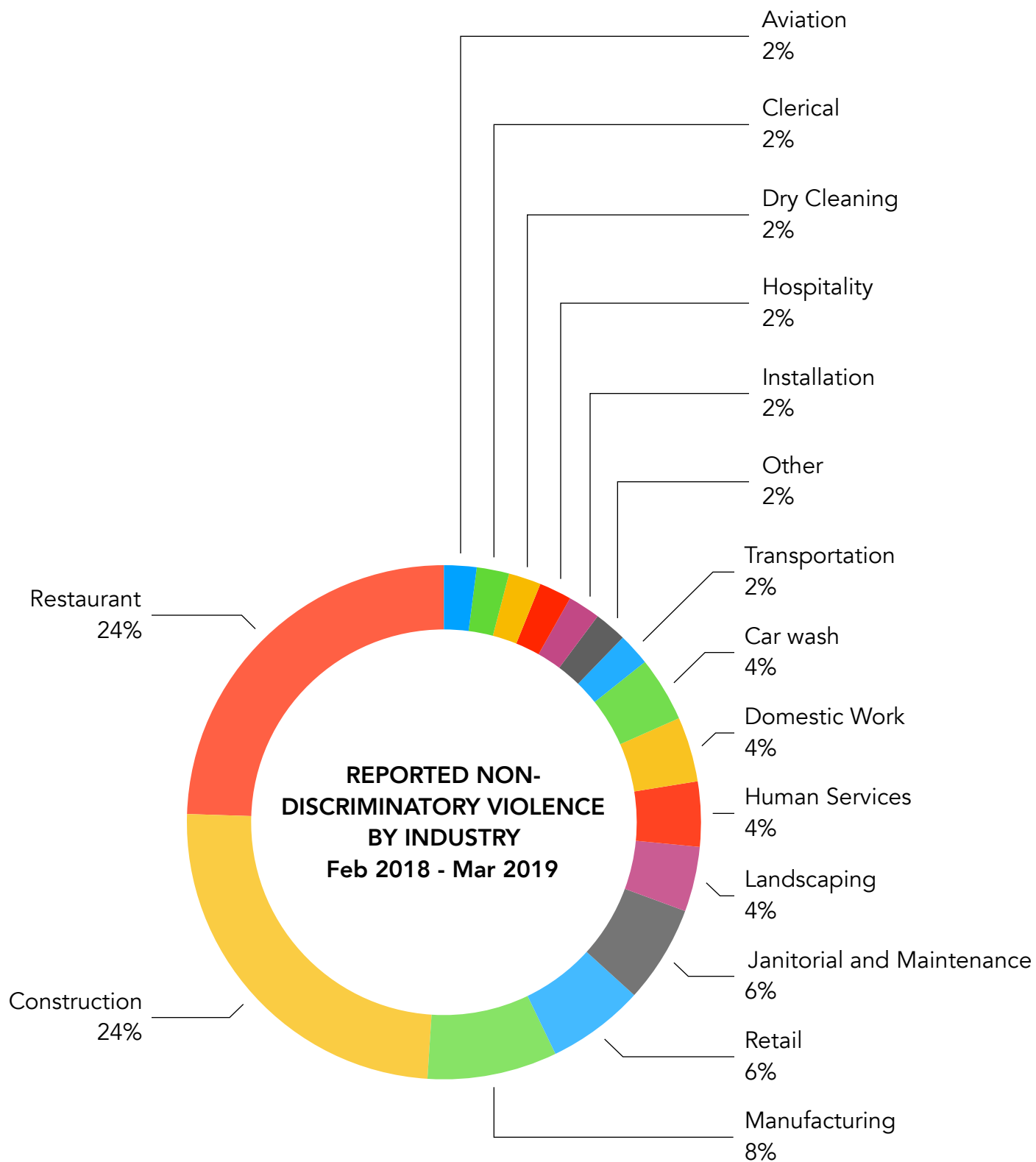
FROM OTHER SOURCES

- According to the Occupational Safety and Health Administration (OSHA)¹³, approximately 2 million people report experiencing violence in the workplace each year. OSHA estimates that 25% of workplace violence¹⁴ goes unreported.
- In 2017, a total of 5,147 people died in the workplace in the US¹⁵
 - 458 fatalities were due to violence in the workplace
 - Assaults in the workplace resulted in 18,400 injuries and illnesses involving days away from work¹⁶

**MAP 6. REPORTED NON-DISCRIMINATORY VIOLENCE BY INDUSTRY TO FJWC,
FEB. 2018-MARCH 2019**



Full legend available on interactive map version at: <https://batchgeo.com/map/HoustonThreatsViolence2018-19>



PART V: LABOR TRAFFICKING

Labor trafficking is the act of forcing, defrauding, or coercing a person into involuntary servitude, debt bondage, or enslavement. Force, fraud, or coercion are key elements in labor trafficking cases and can look like physical abuse, withholding of a passport, emotional manipulation, threats of deportation, and malnourishment. These elements may be inconspicuous, so identifying labor trafficking cases can be difficult, especially when combined with workers' inability or perceived inability to leave their abusive workplace. At times, workers are forced to stay in the situation, not just by their traffickers, but also by external circumstances - real and perceived - like family pressure, their immigration status, or poverty.

Unfortunately, workers' rights in Texas are extremely lacking and labor law is enforced so infrequently that the lines between legal labor practices, illegal-but-common labor practices, and labor trafficking are blurry.

We have found that a much higher threshold of violence (as compared to sex trafficking) is needed for a labor trafficking case to be seen as legitimate, regardless of the presence of blatant and severe labor and human rights violations as defined in labor trafficking policy. The higher threshold may be due to the normalization of other labor exploitation or workplace discriminatory practices, which obscure this kind of trafficking, as well as the lack of investment in including or combating labor trafficking in counter human trafficking efforts.

DIRECTLY TO OUR LINES

- Between February 2018 and March 2019, we received 10 labor trafficking cases. That means that under two percent of all calls we receive had a component of labor trafficking.

WORKERS' CASES

Three Foods, No Choices

A domestic worker cooked, cleaned, and cared for multiple children for over a year in a home in the Woodlands. She worked 16-hour days without any rest breaks for less than \$400 a week (\$5/hr). Her diet was restricted to three foods, she was under constant surveillance, and she was emotionally manipulated when she tried to take time off. The

traffickers (who brought her to Houston on a work visa) kept her passport from her and threatened her with deportation if she attempted to leave. Her case was not considered as labor trafficking by law enforcement agencies, subsequently making her ineligible for much needed anti-trafficking resources. Her traffickers were never detained.

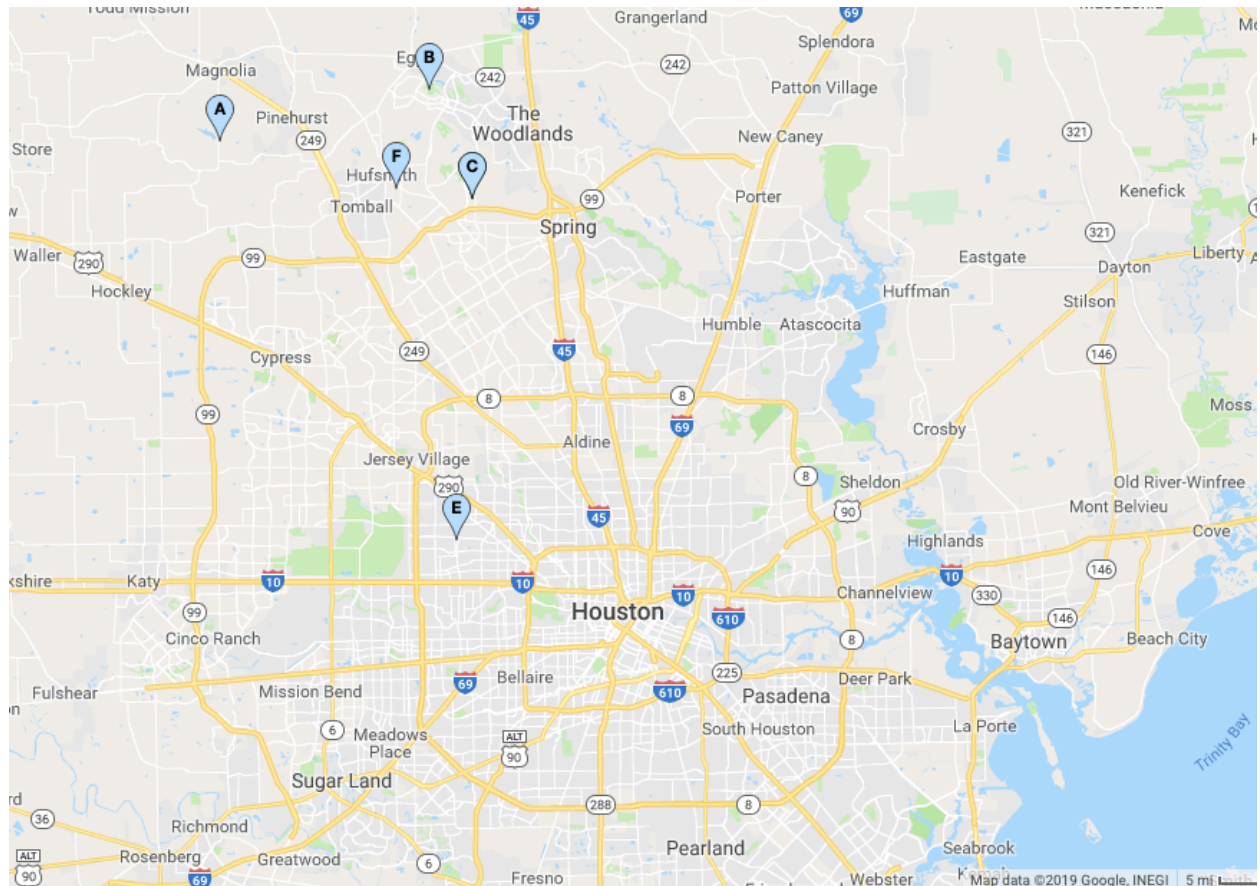
Retaliation for Hospital Visit: His Wife in a Chokehold

A married couple were brought to Houston by an affluent family in the Woodlands: the wife worked as a housecleaner/nanny, and the husband worked as the family's driver. The two worked long hours without being paid overtime, were denied access to healthcare, and were often threatened with deportation. Eventually the husband became ill and left the house to go to the hospital. The traffickers told him they were forcibly sending his wife back to her country that same night and even threatened to call the police if he approached the property. Nevertheless, the husband attempted to get his wife out, and the family reacted by physically harming her, putting her into a chokehold to prevent her from leaving. The police were called and the couple was able to leave, but the traffickers were not detained. The couple is in the process of applying for a T-visa, a nonimmigrant status for victims of trafficking who agree to participate in the prosecution of their trafficker.

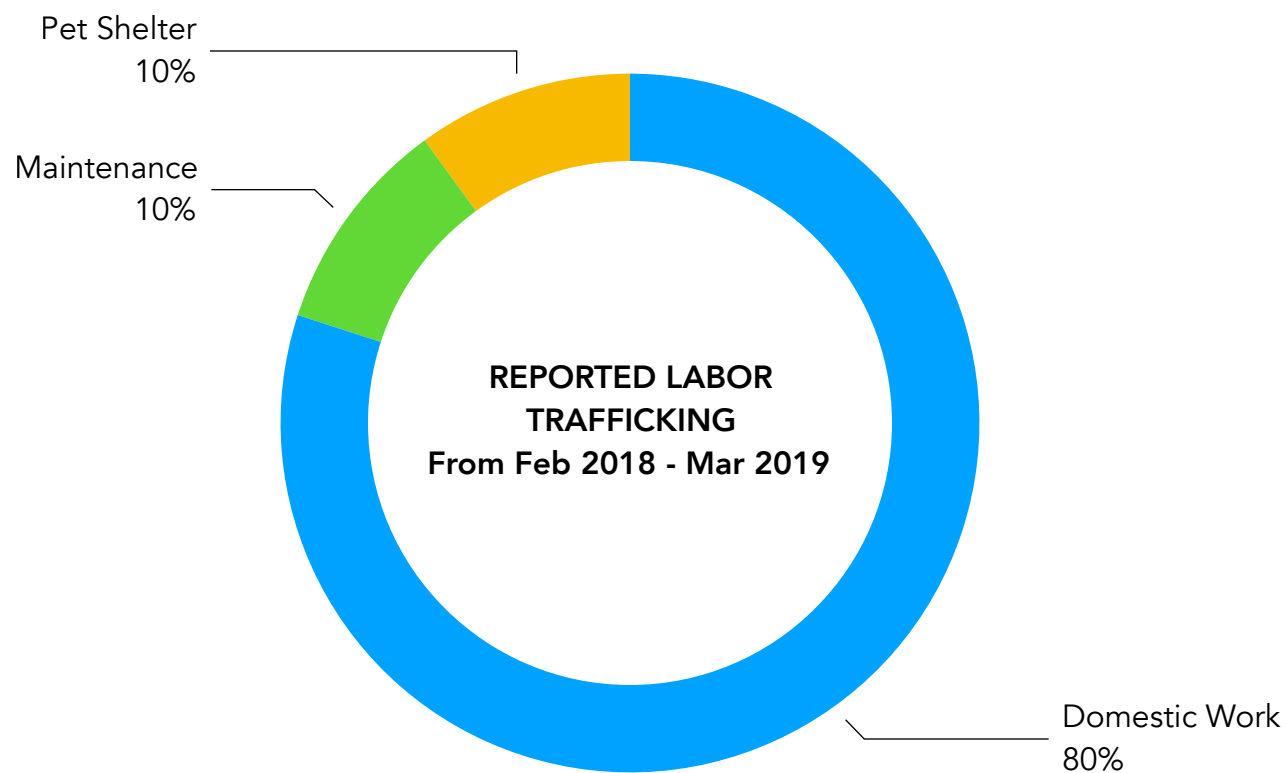
OTHER SOURCES:

- A 2016 [report](#) by the University of Texas at Austin estimates that approximately 234,000 workers in low-wage industries are victims of labor trafficking in Texas at any given time.⁷
- The [International Labour Organization](#) estimates that there were 16 million people in forced labor in 2016 in industries like domestic work, construction, manufacturing, and agriculture and fishing.¹⁹
- In 2018, the [Human Trafficking Hotline](#) identified 455 cases of human trafficking in Texas: 59 cases of labor trafficking (not including the 10 reported to FJWC), 323 cases of sex trafficking, 45 cases involving both sex and labor trafficking, and 28 cases without specification. The top industry for labor trafficking reported to the hotline was domestic work.²⁰

MAP 7. LABOR TRAFFICKING CASES REPORTED TO FJWC, FEB. 2018- MAR 2019



Interactive map version available at: <https://batchgeo.com/map/HoustonLaborTrafficking2018-19>



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